

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DURATION MEDIA LLC,
Petitioner,

v.

RICH MEDIA CLUB LLC,
Patent Owner.

IPR2023-00953
Patent 11,443,329 B2

Before KARL D. EASTHOM, MICHAEL J. FITZPATRICK, and
JASON M. REPKO, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for
Pro Hac Vice Admission of Alison A. Richards,
David P. Berten, and Hannah Sadler
37 C.F.R. § 42.10

Patent Owner filed Motions requesting *pro hac vice* admission of Alison A. Richards, David P. Berten, and Hannah Sadler. Paper 11 (Motion for Ms. Richards); Paper 12 (Motion for Mr. Berten); Paper 13 (Motion for Ms. Sadler). Each Motion is supported by an Amended Declaration filed September 27, 2023. Ex. 2001 (Amended Declaration of Ms. Richards); Ex. 2002 (Amended Declaration of Mr. Berten); Ex. 2003 (Amended Declaration of Ms. Sadler).

Patent Owner states that Petitioner does not oppose the Motions. Paper 11, 4; Paper 12, 4; Paper 13, 4.

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, No. IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Based on the facts set forth in each Motion and Amended Declaration, we conclude that Ms. Richards, Mr. Berten, and Ms. Sadler (1) have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, (2) have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and (3) meet all other requirements for admission *pro hac vice*. *See* Ex. 2001 (Amended Declaration) ¶¶1–11; Ex. 2002 (Amended Declaration) ¶¶1–11; Ex. 2003

(Amended Declaration) ¶¶1–11. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Richards, Mr. Berten, and Ms. Sadler.

Patent Owner filed a Power of Attorney including Ms. Richards, Mr. Berten, and Ms. Sadler in accordance with 37 C.F.R. § 42.10(b). Paper 17. Patent Owner also has submitted a Mandatory Notice identifying Ms. Richards, Mr. Berten, and Ms. Sadler as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 16.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission are *granted*;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel;

FURTHER ORDERED that Ms. Richards, Mr. Berten, and Ms. Sadler are authorized to represent Patent Owner as back-up counsel only;

FURTHER ORDERED that Ms. Richards, Mr. Berten, and Ms. Sadler comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide¹ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Ms. Richards, Mr. Berten, and Ms. Sadler are subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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For PETITIONER:

Kevin Greenleaf
Joel Bock
DENTONS US LLP
kevin.greenleaf@dentons.com
joel.blck@dentons.com

For PATENT OWNER:

Ragnar Olson
Alison A. Richards
David P. Berten
Hannah Sadler
GLOBAL IP LAW GROUP, LLC
rolson@giplg.com
arichards@giplg.com
dberten@giplg.com
hsadler@giplg.com